THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.16530 OF 2006

DATED: 10-04-2007

BETWEEN

R. Khathun Bee
W/o. Late R. Dasthagiri,
R/o. D.No.1/25,
1st Road, Anantapur.

...PETITIONER

AND

The Superintendent of Police,
Anantapur and another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in not investigating the case in Cr.No.3 of 2006 of Kasapuram Police Station, Guntakal Circle, Anantapur District as illegal and arbitrary.

2. Learned counsel for the petitioner submits that the petitioner is the mother of one Mr. R. Nazeer Ahmed, Trainee Fitter in South Central Railway, Guntakal, who is found missing from 22.01.2006.
On a complaint lodged by the petitioner about her missing son a case in Cr.No.3 of 2006 was registered under the head 'Man Missing' on 23.01.2006 but till date the respondents have not investigated into the case and filed a report.

3. Counter has been filed stating that the petitioner lodged a complaint about the missing of her son since 23.01.2006, based on which a case in Cr.No.3 of 2006 had been registered and the second respondent took up

investigation. It is stated that the enquiry and investigation so far made revealed that, in fact, the said missing person has absented himself from duties since 15.12.2005. For the purpose of investigation the second respondent deputed Police Constables to search places to trace out the son of the petitioner,

but no clues have come forth. On 23.01.2006 the second respondent deputed another Head Constable, who visited places of Pamidi, Anantapur and Kondalapalli and caused enquiries about the missing man but no clues are available. It is further stated that the second respondent personally moved in the Guntakal Town on 12.03.2006 and met with the relatives of the wife of the son of the petitioner and petitioner and caused enquiry but no information was available.

The second respondent on 10.04.2006 personally visited the diesel shed and mechanical branch where the missing man worked and discussed with them about the missing person but no clues are forthcoming.

It is further stated that, in fact, the wife of the missing person filed a private complaint, which was referred for investigation and report and accordingly a case in Cr.No.6 of 2006 under Section 498-A of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, was registered on 16.02.2006 and investigation was taken up. After completion of investigation, charge sheet was also filed in C.C.No.53 of 2006 before the Judicial First Class Magistrate, Guntakal and Non-Bailable Warrants were issued on 30.04.2006 against the son of the petitioner. It is further stated that neither the petitioner nor the relatives of the missing person are giving any clues as such the efforts made by the police to trace out the said person are of no avail.

4. Having regard to the facts and circumstances of the case,

I am of the opinion that no orders need be passed in the writ petition. However, if the petitioner or her relatives come forward with any information about the missing person, it is for the respondents to investigate further and take appropriate action in accordance with law.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

April 10, 2007
DSK